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ORRICK, HERRINGTON & SUTCLIFFE, LLP
Non-Party Respondent

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,
Plaintiff-Counterclaim Defendant,

vs.

SUN MICROSYSTEMS, INC.,
Defendant-Counterclaimant.

Case Number: 3:07-CV-06053 EDL (JCS)

[PROPOSED] ORDER

Date: August 12, 2008
Time: 9:30 a.m.
Courtroom: E, 15th Floor
Hon. Elizabeth D. Laporte

On August 12, 2008, Defendant-Counterclaimant Sun Microsystems, Inc.'s ("Sun") Motion to Compel came on for hearing before this Court. Having considered the papers submitted concerning the motion by Sun and Non-Party Respondent Orrick, Herrington & Sutcliffe, LLP ("Orrick") and the oral argument of counsel, and finding that good cause exists therefore, the Court hereby **ORDERS** as follows:

1. Sun's Motion to Compel is **DENIED** in its entirety.

2. Orrick, Herrington & Sutcliffe, LLP is hereby **AWARDED** the following costs that it has reasonably incurred in responding to Sun's subpoena:

Copying Costs:	\$21,402.57
Attorney Fees:	\$75,000.00
Lost Paralegal Time:	\$12,172.75
<u>Document Retrieval Fees:</u>	<u>\$606.00</u>
Total:	\$109,181.32

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE DISTRICT COURT